

Message Text

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ACTION EB-07

INFO OCT-01 ARA-06 ISO-00 CAB-02 CIAE-00 COME-00 DODE-00

DOT-00 INR-07 NSAE-00 RSC-01 FAA-00 L-02 SSO-00

INRE-00 SS-15 NSC-05 NSCE-00 /046 W

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FM AMEMBASSY LIMA

TO SECSTATE WASHDC IMMEDIATE NIACT 3582

INFO AMEMBASSY BUENOS AIRES

C O N F I D E N T I A L LIMA 0537

E.O. 11652: GDS

TAGS: EAIR, PE

SUBJECT: CIVAIR CONSULTATIONS

1. WHEN AIRLINE MEETING RECONVENED MORNING JANUARY 21, BRANIFF PRESIDENT LAWRENCE MADE STATEMENT (TRANSMITTED SEPTTEL) TURNING DOWN AEROPERU COUNTERPROPOSAL, INDICATING BRANIFF READY CONSIDER ANY REASONABLE OFFER TO MEET ITS NEEDS, BUT MAKING IT CLEAR THAT LIKELY RESULT OF NO AGREEMENT WOULD BE SUSPENSION SERVICES BY BOTH AIRLINES. AEROPERU PRESIDENT SOTO RESPONDED BY SAYING AEROPERU WAS NOT FREE TO NEGOTIATE IMPROVEMENT IN BRANIFF'S PERMIT AND REGRETTING INABILITY AIRLINES REACH AGREEMENT. MEETING ENDED WITH IMPLICATION ONLY ALTERNATIVE WAS TO RESUME TALKS AT DELEGATION LEVEL, BUT AFTER MEETING DGTA BERCKEMEYER TOLD BRANIFF THAT AEROPERU DID HAVE AUTHORITY NEGOTIATE AND HE WOULD PURSUE MATTER WITH AEROPERU. BRANIFF HAS LET IT BE KNOWN THAT LAWRENCE AVAILABLE TO RESUME TALKS BUT UNLESS AEROPERU TAKES INITIATIVE HE IS RETURNING US TUESDAY NIGHT.

2. IF AIRLINE TALKS RESUME TODAY OR TOMORROW, BRANIFF PREPARED NEGOTIATE SOME FREQUENCIES. FOR EXAMPLE, IT PREPARED ULTIMATELY AGREE TO 7 FLIGHTS AT MIAMI IF ADDITIONAL FLIGHTS (WITH MULTIPLE INTERMEDIATE STOPS) MAY BE OPERATED WHICH WOULD NOT CARRY MIAMI-LIMA TRAFFIC AND IF BRANIFF
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ALLOWED SUFFICIENT BEYOND LIMA FLIGHTS.

3. IF AEROPERU DOES NOT TAKE INITIATIVE TO RESUME AIRLINE TALKS, DELEGATIONS WOULD MEET AGAIN. WE WOULD PLAN FIRST TO PRESS AGAIN FOR NEGOTIATED SOLUTION, MAKING IT CLEAR TIME IS RAPIDLY RUNNING OUT.

3. WHICHEVER OF FOREGOING HAPPENS, USDEL, EMBASSY, AND BRANIFF BELIEVE THAT WE HAVE TO PLAY TWO THEMES. ONE IS TO PRESS FOR NECESSITY NEGOTIATED SOLUTION. OTHER IS TO PLAY SUSPENSION OF SERVICE THEME. WE CAN FORESEE SEVERAL POSSIBLE OUTCOMES, AS FOLLOWS:

A. FULL AGREEMENT BY JANUARY 31. WE CONSIDER THIS VERY UNLIKELY.

B. SUBSTANTIAL PROGRESS TOWARD AGREEMENT, IN WHICH CASE WE WOULD WORK TOWARD EXTENDING JANUARY 31 DEADLINE TO GIVE TIME TO COMPLETE NEGOTIATING PROCESS AT A SUBSEQUENT ROUND OF AIRLINE AND/OR GOVERNMENT TALKS. IT IS POSSIBLE THAT PERU WOULD GO FOR AN EXTENSION, EVEN IF THERE WERE NOT IN FACT SUBSTANTIAL PROGRESS IN NEGOTIATIONS, IF PERU REALIZES THAT ITS LEVERAGE IS LOST SHOULD JANUARY 31 DEADLINE BE IMPLEMENTED AND IS CONVINCED THAT US IS SERIOUS ABOUT SUSPENSION.

C. BREAKDOWN IN TALKS BUT AGREEMENT THAT AIRLINES MAY CONTINUE OPERATE AT CURRENT LEVELS FOR 60-90 DAYS, AFTER WHICH THERE WOULD BE COMPLETE SUSPENSION. WE DOUBT PERU WILL AGREE TO THIS, THUS LEADING TO POSSIBILITY IN FOLLOWING PARAGRAPH.

D. COMPLETE BREAKDOWN. IN THIS CASE, BRANIFF WOULD CONFORM WITH PERMIT CONDITIONS AS OF FEBRUARY 1 BY OPERATING SAME NUMBER OF FLIGHTS NOW BEING OPERATED BUT BLIND SECTORING AS NECESSARY TO MEET PERMIT CONDITIONS. THIS PLAN ASSUMES US WOULD, AS QUICKLY AS POSSIBLE, DISAPPROVE ALL AEROPERU FLIGHTS BUT ONE AND INSTITUTE PROCEEDING TO REVOKE ITS FOREIGN AIR CARRIER PERMIT. PERU WOULD COUNTER-RETALIATE AND EVENTUAL RESULT WOULD BE COMPLETE SUSPENSION.

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5. WE CANNOT, OF COURSE, PREDICT COURSE OF EVENTS, BUT TO PLAY THE SUSPENSION THEME AS APPROPRIATE, WE NEED CONFIRMATION OF INSTRUCTIONS, AS FOLLOWS:

A. FIRST PROPOSE AGREED SUSPENSION AS PER PARA 4(C) ABOVE.

B. IF THIS NOT ACCEPTED BY PERU, USDEL WOULD STATE
THAT BRANIFF WILL CONFORM WITH PERMIT AS OF FEBRUARY 1
AS A TEMPORARY MEASURE IN ORDER NOT CAUSE THE DISRUPTION
TO TRAVELING PUBLIC WHICH ABRUPT SUSPENSION WOULD ENTAIL
AND THAT PERU SHOULD EXPECT ACTION BY US TO TERMINATE
AEROPERU'S SERVICES.

6. SINCE ANY STATEMENTS BY US RE SUSPENSION MUST BE COM-
PLETELY CREDIBLE, USDEL ASSUMES THAT CONFIRMATION OF
INSTRUCTIONS, PER PARA 5 ABOVE, MEANS US WOULD FOLLOW
THROUGH WITH FULL RETALIATORY ACTION.
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